

Statement of Representation

In response to:

Rother District Council Development and Site Allocations (DaSA) 2019

Examination Hearing Statement

Matter 7 – Selection of sites allocated for development - Land north of Bexhill – Policies BEX3a and BEX3b

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April 2019

Introduction

1. This hearing statement is submitted on behalf of the owners of the land located to the western side of Watermill Lane and within the allocations within Policies BEX3a and also BEX3b.

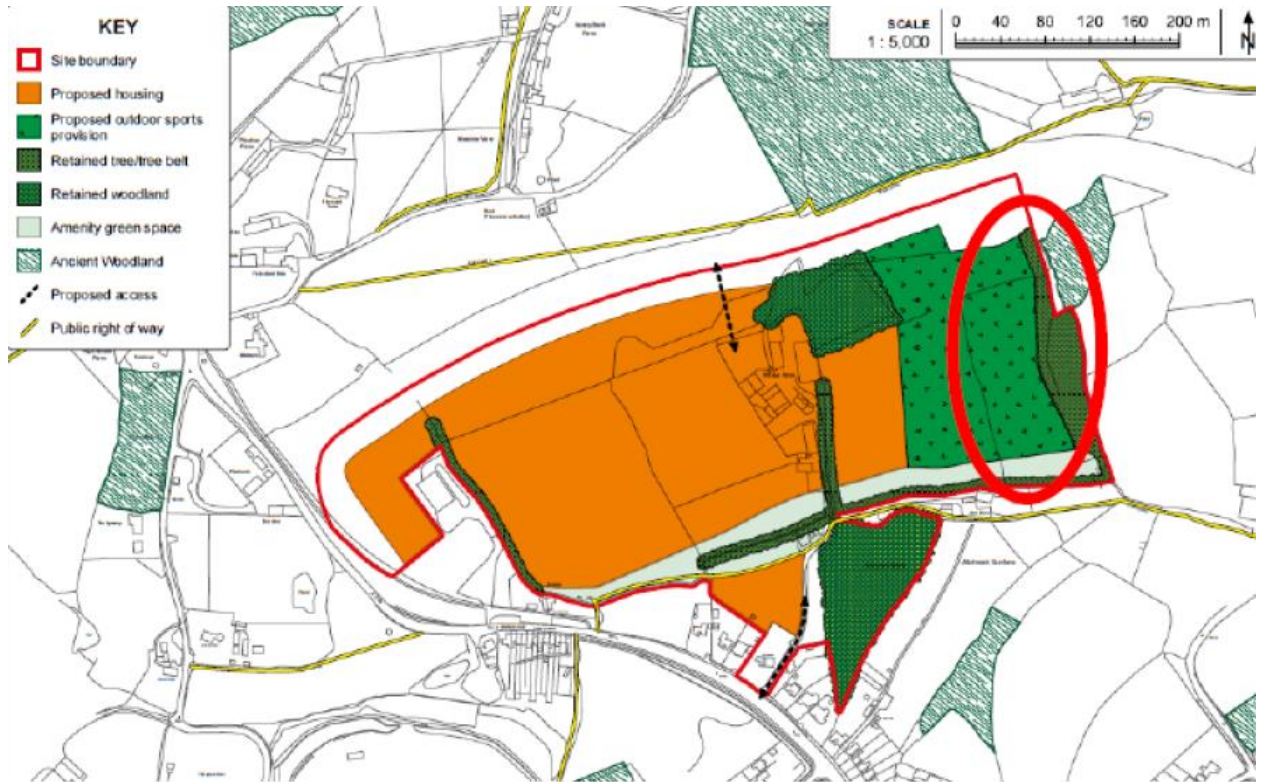


Figure 1 – BEX3a plan taken from the DaSA - The land within our clients ownership is highlighted in red.

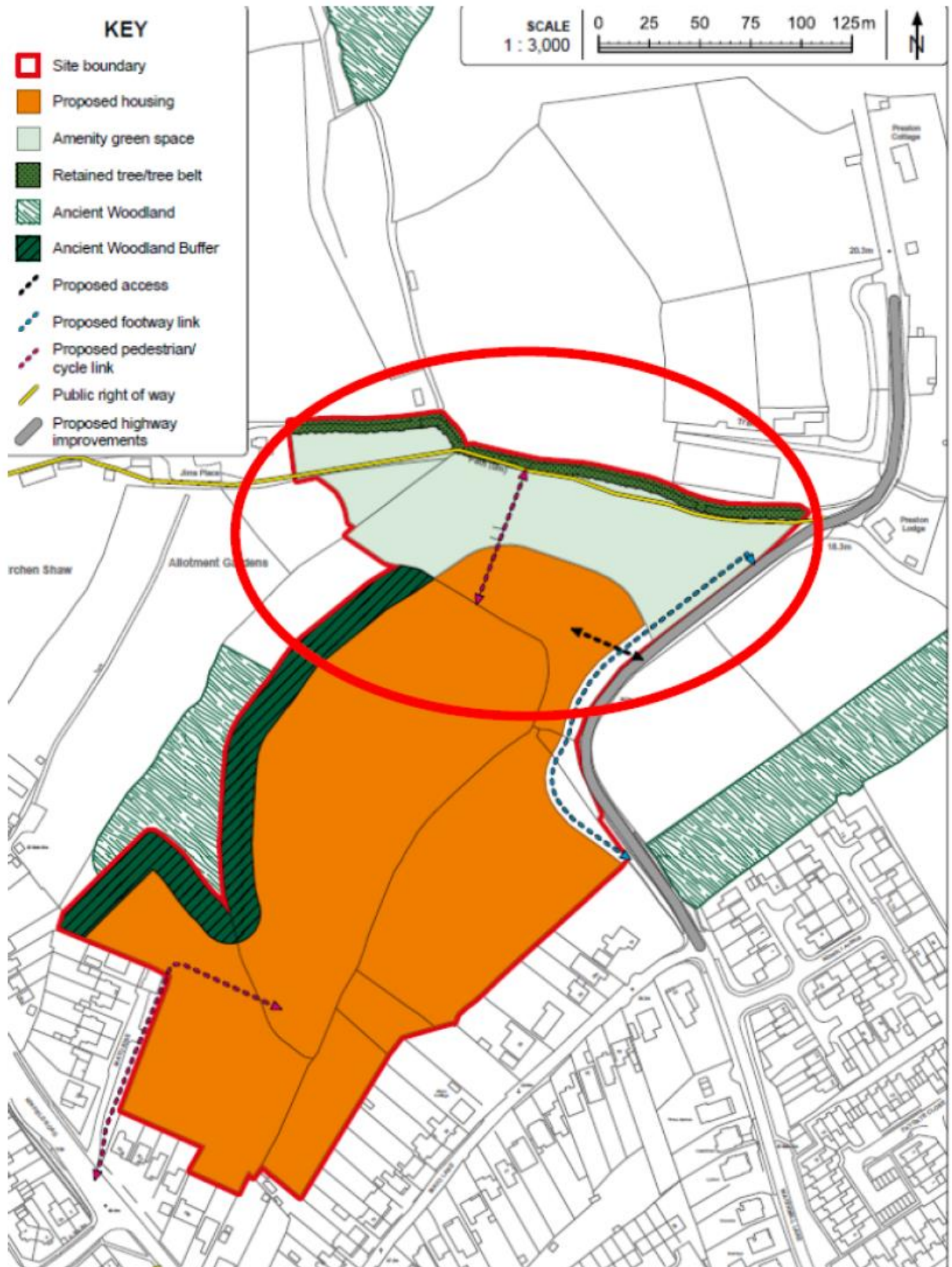


Figure 2 – Site BEX3b taken from the DaSA Plan – Land within our clients ownership highlighted.

2. This submission has been prepared in response to Hearing Session Matter 7 which is scheduled for consideration on 10th May 2019. The statement also provides further representations and evidence in response to the Council's responses to the previous representations that were made. This statement builds upon our previous representation submission.
3. This appraisal concludes that the areas identified within the designation of BEX3a and of BEX3b should not be designated as Sports pitch provision or Amenity Green Space (respectively) when considered against the specific NPPF criteria, as the sites are not demonstrably special to the local community or hold a particular local importance through their beauty, historic significance or tranquillity.
4. The housing development target for the District as a whole is for at least 5,700 new homes to be built over the plan period. At the request of the Inspector the question regarding the estimated trajectory for the period Oct 2023 – 2078/28 confirmed that of the 2735 dwellings that have been identified 85% were on allocated sites with the remainder on (15%) yet to be identified.
5. The overarching purpose of the Local Plan must be the facilitation of development, including housing. In the context of historically low delivery rates the requirement for greater flexibility of existing allocations and new sites should remain a key consideration. Should the Inspector determine that an alternative housing trajectory to reflect more pessimistic start dates and/or lower annual delivery rates the result in either case is that additional sites or in this case the maximisation of existing sites through the re-classification of land in order to deliver the full housing need for Rother District Council should be considered.
6. Whilst, we agree with the allocation of the sites as proposed within the Plan. We consider that the large portion of land allocated for open space and sports pitch provision is unsuitable for the location and in due course needless. We are of the view that the justification for the designation of these parts of the allocated sites in their current form has not been clearly demonstrated or sufficient reason shown by the Council.
7. In the Councils 'Initial Responses to Representations' it is considered in relation to this point that

'The level of development proposed across BEX3 triggers a requirement to provide just under two playing pitches for outdoor sport. The area identified to accommodate this requirement not only has the scope to physically accommodate these playing pitches but the area identified is not considered suitable for housing given its exposure in the wider landscape'.

8. This statement is not qualified by evidence in any way.
9. Moreover the North Bexhill Landscape and Ecological Study, August 2015 identified this part of the site allocation and states the following

Para - 2.4.15 - Capacity to Accept Change - This LDU has a moderate capacity to accommodate change owing to its inherent landscape qualities and dislocation from the existing settlement edge. In addition, it contains a number of elements which detract from its overall landscape quality. In the event development came forward as part of a wider planned extension, visual effects would be relatively localised owing to the containment of this LDU in views from the wider landscape. (Our emphasis)

10. Given that the overall character and setting of the landscape across the BEX3 allocation is set to change dramatically it is unclear how this part of the landscape is likely to have any greater exposure than the remainder of the development being proposed. The site includes a substantial gradient from north to south it is not considered to be a suitable site for the provision of landscaped pitches given the significant level of engineering works required to level the existing gradient of land.
11. Additionally, the North Bexhill Landscape and Ecological Study, August 2015 confirmed that this area had 'a moderate capacity to accommodate development in conjunction with the wider planned expansion at North East Bexhill.'
12. Our previous representation addresses the requirement for sports pitch provision following the Rother and Hastings Playing Pitch Strategy and should be read in conjunction with this statement.
13. Whilst the emerging policy requires an amount of sports pitch provision and the Council's assessment has found the identified portions of the sites unsuitable for housing development, this assessment should not rule out any future potential development of sites that are available and deliverable. The fact that this part of the overall BEX3 site is not currently considered suitable for housing development should not justify its suitability as a local green space/sports pitch provision without a robust exercise.
14. The physical relationship of the site within the proposed built-up area together with the development associated to the sites to the south and east makes this site ideal for potential development in the long term which the Council should take into account. It is therefore considered that the site may, in the future, present an ideal opportunity for suitable infill development that contributes towards the delivery of new homes, including affordable units and community facilities. The designation of such sites as a local green space/sports pitch provision is therefore considered to be contrary to the local planning of sustainable development.

15. It should also be taken into account that even if the Council could demonstrate a five-year housing land supply, the need for market and affordable housing has material weight. It is not considered that the Council's approach to housing across the north east Bexhill development area maximizes potential development within this part of the allocation.
16. As such we continue to **disagree** with the Council's allocation of the identified land as open space/Sports pitch provision and consider that the land could be used more efficiently for housing allocation.
17. In respect of the land at BEX3b it is considered relevant in this section to reiterate the relevant paragraph from the NPPF, setting out the tests and criteria that must be met for a Local Green Space designation.
18. Paragraph 99 of the NPPF says "*the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period*".
19. Paragraph 100 of the NPPF says

"The Local Green Space designation should only be used where the green space is:

 - a) *in reasonably close proximity to the community it serves;*
 - b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and local in character and is not an extensive tract of land*
 - c) *local in character and is not an extensive tract of land.*"
20. The formatting of the above criteria as set out in the NPPF and the fact that there is no reference to the wording "or", suggest that all three of the criteria must be met for a site to be designated as a local green space.
21. It is our view that the site does not meet any of the above tests to be designated as a local green space for the following reasons: Where the green space is in reasonably close proximity to the community it serves. Whilst the site is well related to the proposed development and built-up area boundary, the Council does not provide evidence as to how the proposed Local Green Space at this part of the site would be serving the wider community. Additionally, the provision of an enhanced public pathway does not need the extent of space to the south currently being forwarded.

22. As submitted previously, the wider elements of the sites are private land and it has no public access whether this is through the permission of the landowners or through the public footpath which splits the two sites. It is, however, acknowledged that further guidance is available in through NPPG Para 017 Reference ID: 37-017-20140306 indicating that lands with no public access could be considered for designation if they are green areas which are valued because of their wildlife, historic significance and/or beauty. The consideration of such features is covered in the second criterion of Para 100 of the NPPF, as referred below. Where the site is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and where the green area concerned is local in character and is not an extensive tract of land
23. The specific landscape character within which the site falls is generally in poor condition and considered to be incoherent. In addition, the sites are agricultural land, which has been used for grazing purposes, minimising any wildlife value. When compared to adjoining sites, the site does not have specific features or significant views that make it more visually quality. The site is simply privately owned land used for grazing.
24. The position of the land is not therefore considered to be demonstrably special or have particular local significance. There is no clear case/justification by the Council as to why the land is demonstrably special to the local community. The rare use of this land by the community and the inaccessibility of the land makes it difficult to justify its designation, particularly when the site offers the potential for future development that would sensitively fit within this part of the settlement with contribution towards housing.

Conclusion

25. In reference to this statement, it is argued that the identified sites do not fulfil the requirements for designation as local green space or need to be reserved for sports pitch provision. The inclusion of these sites as proposed is therefore unsound, and the Inspector is respectfully requested to remove this site from the local green space designation and to modify the site classification as further housing provision.